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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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FLOOD, MICHELE C

ART UNIT	PAPER NUMBER
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1655

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/718,165

Applicant(s)

PERO ET AL.

Examiner

Michele Flood

Art Unit

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Acknowledgment is made of the receipt and entry of the amendment filed on June 6, 2005. Further acknowledgment is made of Applicant's cancellation of Claims 18 and 21.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-12,14 and 15 are under examination.**

### ***Response to Arguments***

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 as amended and Claims 2-12, 14 and Claim 15 as amended is/are/is rejected under 35 U.S.C. § 112, first paragraph, as failing to provide prior support or antecedent basis for the language "substantially complete composition of water-soluble phytomedicinal compounds less than about 10kd in size" in Claim 1, and "substantially complete composition of water-soluble phytomedicinal compounds less than about 13kd in size" in Claim 15. Newly applied as necessitated by amendment.

The claims as set forth in the amendment filed on June 6, 2005 now recite a process for producing a composition of water-soluble phytomedicinal compounds comprising: combining green tea plant material with water in a claim-designated ratio

Art Unit: 1655

of plant material to water and at a claim-designated temperature range for a period to time to solubilize a substantial portion of the thermal aqueous extractable phytocompounds present in the plant material to produce a first extract; and removing substantially all entities having a molecular weight greater than about 10kd or 13kd from the extract to produce a substantially complete composition of water-soluble phytomedicinal compounds less than about 10kd or 13kd in size. Insertion of the above mentioned claim limitations have no support in the as-filed specification. The insertion of the limitations is a new concept because it neither has literal support in the as-filed specification by way of generic disclosure, nor are there specific examples of the newly limited genera which would show possession of the concepts for a composition comprising "a substantially complete composition of water-soluble phytomedicinal compounds" having water-soluble phytomedicinal compounds within the claim-designated ranges, with regard to Claim 1 and Claim 15. In fact, nowhere in the present specification as originally filed is there any disclosure or support or suggestion for a process of making a composition of water-soluble phytomedicinal compounds encompassing the claim-designated process steps and ingredients to produce a "substantially complete composition of phytomedicinal compounds" having a molecular weight of less than about either 10kd or 13kd in size. As originally filed, the specification only requires a process for the removal of entities having a molecular weight greater than about 10kd or 13kd from green tea plant material, and wherein the composition is "substantially devoid of pigment", as set forth on page 6, lines 10-24. This is insufficient support for the new aforementioned genera/genus. This is a matter

of written description, not a question of what one of skill in the art would or would not have known. The material within the four corners of the as-filed specification must lead to the generic concept. If it does not, the material is new matter. Declarations and new references cannot demonstrate the possession of a concept after the fact. Thus, the insertion of the above-mentioned claim limitations is considered to be the insertion of new matter for the above reasons.

As the above-mentioned claim limitation could not be found in the present specification, the recitation of the claim limitations is deemed new matter. Nowhere in the passages did the Office find support for the claim limitation; and, therefore it must be omitted from the claim language, unless Applicant can particularly point to the specification for literal support.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12, 14 and Claim 15 as amended are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Newly applied as necessitated by amendment.

The metes and bounds of Claims 1 and Claim 15 are rendered vague and indefinite by the phrase "substantially complete composition of water-soluble phytomedicinal compounds" because it is unclear as to the subject matter Applicant intends to direct the claimed invention since it is uncertain as to what constitutes a

Art Unit: 1655

"substantially complete composition of water-soluble phytomedicinal compounds less than about 'Xkd' in size". For instance, does a "substantially complete composition of water-soluble phytomedicinal compounds less than about 'Xkd' in size" constitute a composition comprising 10% or 30% or 50% or 85% of water-soluble phytomedicinal compounds having a molecular weight range of 1kd to 7kd or a molecular weight range of 1kd to 9kd, etc.? The lack of clarity renders the claims very ambiguous.

All other cited claims depend directly or indirectly from rejected claims and are, therefore, also, rejected under U.S.C. 112, second paragraph for the reasons set forth above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 as amended and Claims 2-8, 10-12, 14 and 15 is/remain rejected under 35 U.S.C. 102(b) as being anticipated by Ishihara et al. (\*A). Each and every one of Applicant's arguments has been thoroughly considered. However, the rejection stands for the reasons set forth in the previous Office action and for the reasons set forth herein.

Applicant claims a process for producing a composition of water-soluble phytomedicinal compounds comprising: combining green tea plant material with water,

Art Unit: 1655

in a ratio of about 1:5 to about 1:50, at a temperature between about 75°C and about 102°C for a period of time to solubilize a substantial portion of thermal aqueous extractable phytochemicals present in the plant material to produce a first extract; and removing substantially all entities having a molecular weight greater than about 10kd from the extract to produce a substantially complete composition of water-soluble phytochemical compounds.

Applicant argues that the cited prior art reference fails to anticipate the instantly claimed invention because "compounds having a molecular weight between about 6000 and 10,000 are necessarily absent in compositions resulting from Ishihara, *et al.*, method." However, Applicant's argument is neither persuasive nor commensurate in scope to the limitations of the instantly claimed invention, since the claimed invention is directed to a process for producing a composition of water-soluble phytochemical compounds from green tea wherein the water-soluble phytochemical compounds are less than 10kd in size. Thus, Ishihara is deemed to anticipate the instantly claimed invention because Ishihara teaches a process of making a composition comprising water-soluble phytochemical compounds comprising the steps of extracting green tea leaves with water at 30 to 95°C for 0.5 to 7 hours to produce an extract residue (a first extract); concentrating the obtained extract by ultrafiltration membrane with a fractional molecular weight of 3000 to 6000 and then by reverse osmosis membrane; and spraying the obtained extract. In Column 11, lines 51-67, Ishihara teaches obtaining the extract residue by extracting milled tea leaves with a 5 to 20-fold volume of water, and removing the soluble components from the extract. Ishihara further teaches, "Extraction

of 10 kg of tea leaves with 50 to 200 kg of water yields 20 to 40 kg of extract residue and 40 to 160 kg of extract of a Brix value of 2 to 10, depending on the amount of water added." In Column 12, line 25 to Column 13, line 22, expressly teaches processes for producing water-soluble phytomedicinal compounds comprising combining green tea leaves with water, in a ratio of plant material to water within a range of about 1:5 to about 1:50.

As Ishihara teaches a process of making water-soluble phytomedicinal compounds comprising the instantly claimed process steps, ingredients and experimental parameters, the reference is deemed to anticipate the claimed subject matter.

### ***Claim Rejections - 35 USC § 103***

Claims 1-12, 14 and 15, as amended, remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara et al. (\*A). The rejection stands for the reasons set forth in the previous office action and set forth below.

Applicant's arguments have been fully considered but they are not deemed persuasive because the cited references provide the suggestions and motivation to the claimed invention.

Applicant argues that the obvious teachings of Ishihara do not render the instantly claimed invention because Ishihara does not teach or suggest a method of making compositions from green tea absent large molecular weight entities that cause toxic side effects and/or function as inhibitor(s) of otherwise efficacious



Art Unit: 1655

phytocompounds including metabolites that are specifically removed to substantially eliminate all entities more than about 10,000 Daltons in molecular weight. However, Applicant's argument is neither persuasive nor commensurate in scope to the limitations of the instantly claimed invention, since the instantly claimed invention is directed to a process of making water-soluble phytomedicinal compounds from green tea plant material comprising the claim-designated process steps and experimental parameters to remove substantially all entities having a molecular weight greater than about 10kd or 13kd in size.

Thus, the primary reference of Ishihara was relied upon for the reasons set forth in the previous Office action and for the reasons set forth above. Since Ishihara taught the instantly claimed process except for the claim-designated experimental parameters of ratio of plant material to water, the Office deemed that it would have been obvious to one of ordinary skill in the art to optimize the method of making the composition taught by Ishihara by adjusting the ratio of the ingredients used in the method for obtaining phytomedicinal compounds having a molecular weight less than 10kd from green tea leaves to provide the instantly claimed invention because at the time the invention was made Ishihara taught the requisite experimental parameters of temperature and period of extraction, the ingredients and the amount of the ingredients necessary for the production of water-soluble phytomedicinal compounds from green tea plant material. Hence, at the time the invention was made, one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to optimize the ratio of the ingredients of green tea plant material and water used in the

Art Unit: 1655

process for producing water-soluble phytomedicinal compounds taught by Ishihara because it would have been merely a matter of judicious selection to provide a result effect variable, given that it is known in the art of herbal extraction that the amounts of plant material to solvent, the type of solvent used in the extraction process of the herbal material, the temperature of the extraction of the herbal material and the extraction period of time are experimental parameters that govern the extraction of desirable water-soluble compounds from plant material, as suggested by Ishihara, in Column 6, line 34 to Column 7, line 22.

Accordingly, the claimed invention as a whole was at least *prima facie* obvious, if not anticipated by the reference, especially in the absence of sufficient, clear, and convincing evidence to the contrary.

Claims 1-6, 10, 14 and 15 as amended remain rejected under 35 U.S.C. 102(b) as anticipated by Lunder (\*B) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ishihara et al. (A). The rejection stands for the reasons set forth in the previous office action and set forth below.

Applicant's arguments have been fully considered but they are not deemed persuasive because the cited references provide the suggestions and motivation to the claimed invention.

Applicant's main argument is directed to the idea that the instantly claimed invention is drawn to a process employing thermal aqueous extraction for producing a composition wherein "large molecular weight entities that cause toxic effects and/or

Art Unit: 1655

function as inhibitor(s) of otherwise efficacious phytocompounds including metabolites are specifically removed to substantially eliminate all entities more than 10,000 daltons in molecular weight". However, Applicant's arguments are neither persuasive nor commensurate in scope to the limitations of the instantly claimed invention because the primary reference of Lunder was relied upon because Lunder taught a process for producing a composition of water-soluble phytomedicinal compounds comprising extracting leaves of green tea with water, at a temperature of from about 90°C to 130°C over a period of 10 to 30 minutes, to obtain an aqueous extract comprising extractable phytocompounds present in the plant material; concentrating the aqueous extract to obtain a liquor, and extracting the liquor with dichloromethane to eliminate pigments from the liquor and obtaining an aqueous phase, recovering phytomedicinal compounds (catechins) from the aqueous phase by mixing the aqueous phase with sand to form a paste, which is eluted with acetone to obtain catechins. Lunder further taught drying the composition.

The claims are drawn to a process for producing a composition of water-soluble phytomedicinal compounds comprising combining green tea plant material with water, in a ratio of about 1:5 to about 1:50, at a temperature between about 75°C and about 102°C for a period of time to solubilize a substantial portion of thermal aqueous extractable phytocompounds present in the plant material to produce a first extract; and removing substantially all entities having a molecular weight greater than about 10kd from the extract to produce a substantially complete composition of water-soluble phytomedicinal compounds less than about 10kd in size.

Lunder taught a process of making a composition of water-soluble phytomedicinal compounds comprising infusing green tea leaves in water at a temperature of from 95°C to 130°C over a period of 10 minutes to 30 minutes to obtain a first extract, eliminating pigments from the extract, and recovering phytomedicinal compounds from the extract. Although Lunder expressly taught the amounts of green tea leaves used in the referenced method to obtain the referenced composition, Lunder did not expressly teach the volume amount of water used in the referenced process. However, in Column 1, lines 63-66, Lunder expressly taught, "After extraction, the leaves are separated by centrifugation, and the extract is concentrated to a heavy liquor having a dry matter content of 25 to 30% by conventional methods." Thus, it would appear that the claim-designated ratio ranges of plant material to water are inherent to the process taught by Lunder, as evidenced by the teachings of Ishihara. For instance, the secondary reference of Ishihara was relied upon because Ishihara taught a process comprising the one and the same experimental parameters of ingredients, temperature range, and period of time for the extraction of phytomedicinal compounds from green tea leaves, as instantly claimed by Applicant and taught by Lunder; and, wherein the ratio of plant material to water was within the claim-designated range of about 1:5 to about 1:50; and, wherein the dry matter content of the first extract comprising water-soluble phytomedicinal compounds from green tea leaf material was the same or essentially the same percentage amount as the dry matter content of the first extract obtained in the process taught by Lunder. For example, in Column 11, lines 63-67,

Art Unit: 1655

Ishihara taught that hot water extraction of 10 kg of green tea leaves 50 to 200 kg of water yields 20 to 40 kg of extract residue.

Thus, as the cited reference discloses a process for producing a composition of water-soluble phytomedicinal compounds comprising extracting green tea leaves in hot water to solubilize a substantial portion of thermal aqueous phytocompounds present therein the plant material to produce a first extract; and, removing substantially all entities having a molecular weight greater than about 10kd from the extract to produce the referenced product-by-process ---- which appears to be identical to the presently claimed process for producing a composition of water-soluble phytomedicinal compounds from green tea plant material, since the same ingredients, the same or essentially the same amounts of the same ingredients, the same process steps, and the same or essentially the same experimental parameters of temperature range and period of extraction of the plant material used to produce a first extract are one and the same, as instantly claimed by Applicant; and, therefore, the process taught by Lunder is considered to anticipate the claimed process. With regard to the claimed limitation that the claimed process for producing a water-soluble phytomedicinal compounds encompasses combining green tea plant material with water within a range of about 1:5 to about 1:50, absent evidence to the contrary, it would appear that the referenced process inherently encompasses a process step wherein the ratio of plant material to water is one and the ratio of ingredients as instantly claimed, given the teachings of Lunder and Ishihara as set forth above.

In the alternative, even if the claimed process is not identical to the referenced process with regard to some unidentified characteristics, the differences between that which is disclosed and that which is claimed are considered to be so slight that the referenced process is likely to inherently possess the same characteristics of the claimed process particularly in view of the similar characteristics which they have been shown to share. Thus, the claimed process for producing a composition of water-soluble comprising the claim-designated process steps would have been obvious to those of ordinary skill in the art within the meaning of USC 103. For instance, it is not clear from the teachings of Lunder as to the ratio of plant material to water used in the process of step of extracting water-soluble phytomedicinal compounds by hot water extraction. However, it would have been obvious to one of ordinary skill in the art to employ the instantly claimed ratio of plant material to water in the making of a composition comprising water-soluble phytomedicinal compounds that are obtained in a hot water extraction of green tea plant material to provide the instantly claimed invention because the adjustment of the weight amount of plant material to the volume amount of a water solvent would have been no more than a matter of judicious selection and optimization to provide a result-effect variable in the extraction of chemical constituents from a plant material known in the art to possess beneficial medicinal properties. Thus, it would have been obvious to one of ordinary skill in the art, and one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to adjust the weight amounts of the plant material and the volume amounts of the water used in the process of making the product-by-process taught by Lunder,

Art Unit: 1655

wherein the ratio of plant material to water was within the claim-designated range of about 1:5 to about 1:50, because at the time the invention was made the claim-designated ratio range was known in the art as being beneficial in the hot water extraction of water-soluble phytomedicinal compounds from green tea plant material, as evidenced by the teachings of Ishihara. For example, Ishihara expressly taught processes for producing water-soluble phytomedicinal compounds comprising combining green tea leaves with water, in a ratio of plant material to water within a range of about 1:5 to about 1:50, in Column 12, line 25 to Column 13, line 22. Thus, it would have been merely a matter of judicious selection to one of ordinary skill in the art at the time the invention was made to adjust the amounts of the ingredients used in the process taught by Lunder by employing the instantly claimed ratio of plant material to water because it would have been well in the purview of one of ordinary skill in the art practicing the invention to provide the claimed invention, since Lunder taught the plant material, the extraction solvent of water, the process steps, and the experimental parameters of temperature range and period ranges of time for the extraction for the extraction of water-soluble phytomedicinal compounds from green tea leaves. Hence, the claimed invention is no more than the routine optimization of a result effect variable. Thus, the claimed process would have been obvious to those of ordinary skill in the art within the meaning of USC 103.

The United States Patent and Trademark Office is not equipped to conduct experimentation in order to determine whether or not Applicant's claimed process and/or product-by-process thereof differs and, if so, to what extent, from that discussed

Art Unit: 1655

in the references. Therefore, with the showing of the references, the burden of establishing non-obviousness by objective evidence is shifted to Applicant.

Accordingly, the claimed invention as a whole was at least *prima facie* obvious, if not anticipated by the reference, especially in the absence of sufficient, clear, and convincing evidence to the contrary.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-12, 14 and 15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/081,296. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are obvious variants of each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.



Newly applied for the following reasons:

1. Copending Application No. 11/081,296 was not released from the pre-examination stage until May 26, 2005;
2. This rejection is a provisional rejection.

\* Applicant is advised that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Should you receive inquiries about the use of the Office's PAIR system, applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

**No claims are allowed.**

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1655

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is 571-272-0964. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**MICHELE FLOOD**  
**PRIMARY EXAMINER**

Michele Flood  
Primary Examiner  
Art Unit 1655

MCF  
August 15, 2005